

MEMORANDUM

TO: Westport Zoning Board of Appeals

FROM: Philip C. Pires, Esq., Cohen and Wolf, P.C.

RE: Applicant's Response to Staff Report dated June 5, 2020

DATE: July 7, 2020

The Applicant has endeavored to completely respond to all questions raised by Town Staff in connection with the pending Application. The Applicant's responses are set forth in bold below. The Applicant remains eager to discuss the Application with the ZBA and work to move the project forward to its completion.

IV. ISSUES.

1. After reviewing the plans, the applicant intends to make many more modifications than what is represented in their May 18, 2020 letter, to the partially constructed structure and site as compared to what was approved by the Zoning Board of Appeals (#7629) on May 8, 2018.

Applicant's Response:

This is not correct. The May 18, 2020 list contains all of the changes between the Approved Variance Application and the current Application.

2. The plans submitted with this new variance application, in particular the architectural plans, do not match what has already been constructed on site. An example of this is the location of the roof deck and elevator shaft.

Applicant's Response:

The location of the roof deck and the elevator shaft is the same as it was in the Approved Variance Application and it is the same location as currently constructed on site.

The plans submitted indicated what is intended to be built in the current application, not what is currently constructed at the site. The current construction at the site is reflected in the as-built survey.

Please see the narrative summary that the Applicant submitted in connection with its application. In particular, the Applicant has changed the configuration of the rear stair in the current application to make its location consistent with the Approved Variance and the Zoning Permit.¹

3. It is not clear as to whether the dwelling (garage portion) was constructed in the front yard setback, as the survey on the architectural plans shows it encroaching this setback.

Applicant's Response:

The previously submitted architectural drawings show the front corner of the garage over the front yard setback, which is a drafting error. The location of the building is correct, but the drawing of the front yard setback is incorrect. This has been corrected in the architectural drawings (Sheets A0.00, A1.00, A1.10) revised June 25, 2020, which were submitted to the Town on July 6, 2020. The as-built survey correctly shows the placement of the building as to the front yard setback.

4. The applicant should note that with any variance approval they are expected to build to the approved plans; accurate plans matter.

Applicant's Response:

The Applicant has submitted a modification of the existing variance approval to complete construction of the site in accordance with the documents submitted.

5. The architectural plans do not meet the required height, as the access out to the roof deck, or the elevator shaft, is no longer exempt and not shown on any approved plan, proposed plan or zoning permit in the current location. The applicant should remove this structure or request a height variance

Applicant's Response:

The Applicant has submitted a modification to the existing variance approval. The existing variance approval already includes approval for the cupola, which includes the elevator shaft. No height variance is required.

6. The applicant should confirm the height of the partially constructed dwelling.

Applicant's Response:

The Site Statistics Table of the Applicant's as-built survey dated 1/30/2020 confirms the height of the partially constructed dwelling.

¹ The location of the rear stair as built is consistent with the Building Permit approval issued by the Town.

7. The partially constructed dwelling per the current FEMA FIRM maps and the applicant's own development plans and surveys, is in the AE 13 Zone.

Applicant's Response:

This is correct.

8. Although changes to Flood Plain Zoning Regulations and Building Code have become effective since this application was first approved by the ZBA in 5/8/2018, the applicant had always proposed a FFE more than 1 foot above the base flood elevation of AE 13. This is what the "new" Code and Regulations require.

Applicant's Response:

It is correct that the Applicant always proposed FFE more than 1 foot above base flood elevation of AE 13, and this aspect remains unchanged in the current variance application. It is also correct that this aspect of the construction is required by the Flood Plain Zoning Regulations and the Building Code.

9. The applicant may build a structure to the VE/Coastal AE standards, even though they are not in this Zone. However, the applicant states that have made modifications to the ZBA approved plan and building to the Coastal A Zone standard disallows retaining walls, fill, solid stone foundation walls, all of which were components of the previous ZBA approval.

Applicant's Response:

The FEMA requirements that apply to the property are AE Zone requirements. FEMA regulations and the Connecticut State Building Code both reference a "Coastal A Zone," which was not mapped in 2018. The Coastal A Zone, when applied, is a regulated intermediate zone between AE and VE zones. An AE Zone is defined by wave action under 1.5 feet, whereas a VE Zone is defined by wave action over 3 feet. Properties in Coastal A zones are required to comply with VE Zone standards.

The 2012 Connecticut State Building Code did not contain a reference to Coastal A Zone. As of October 1, 2018, the Connecticut State Building Code was amended to require that the Coastal A Zone complies with VE Zone requirements because both zones are deemed "high-hazard areas." See R322.2 and R322.3. Attached herewith are excerpts from the 2012 and 2018 Connecticut State Building Code.

During the CAM review by the Planning and Zoning Commission ("P&Z") in 2018 after the ZBA approval, P&Z requested (based on the direction of John Gaucher at the State of Connecticut Bureau of Water Protection and Land Reuse) that the Applicant move the entry door from within the lower

level (i.e., within the flood zone) to the first floor level (i.e., out of the flood zone). This input from the Town and the State caused the Applicant to take a closer look at applicable FEMA requirements. At the time that the Applicant was submitting for a Zoning Permit, the Applicant was aware that the October 1, 2018 Connecticut Building Code amendments were in the process of becoming effective and would affect the property. The change to a foundation on piers (and the removal of the retaining walls, fill, solid stone foundation walls), brought the design of the project further in line with VE Zone FEMA requirements and further in compliance with the October 1, 2018 Connecticut Building Code.

Later, during the issuance of the full building permit to construct this project, the Town of Westport Building Department (Peter Howard) and the Applicant's architect (Mark Goodwin) discussed the FEMA requirements applicable to the project. The Town of Westport Building Department determined that the proposed house was within a Coastal A Zone based on its proximity to the VE Zone.

The Town of Westport Building Department required modifications to obtain a full building permit and bring the project further in line with VE Zone FEMA Requirements. The Zoning Permit Plans showed flood vents in solid walls around the garage area with piers on spread footings. Because the project was subject to Coastal A (and therefore, VE Zone) requirements, the Building Department required breakaway walls instead of solid walls with flood vents. The Building Department also required the Applicant to tie the piers together with grade beams, also a VE Zone Requirement.

10. This decision to build to the Coastal A Zone standard is not an explanation for the applicant not building to the plan that the ZBA approved (#7629) in 2018.

Applicant's Response:

See Applicant's Response to #9.

11. Although the applicant states it is their intent to build to the VE/Coastal AE standards they have proposed a double fence and light fixtures in the small portion of the property that is actually in the VE zone. These structures may not meet FEMA requirements and may not be consistent with the CAM Act.

Applicant's Response:

The Applicant does not propose a "double fence." The proposed fences are independent of each other and do not overlap anywhere on the site. The fences will comply with FEMA requirements (i.e., the fences will have gaps to allow water to pass through them).

There is no FEMA standard applicable to outdoor lights. The fixtures that are shown in the Applicant's plans are UL1598 rated, which is defined as suitable for "a location in which water or

other liquidate can drip, splash, or flow on or against electrical equipment. A wet location luminaire shall be constructed to prevent the accumulation of water on live parts, electrical components, or conductors not identified for use in contact with water.” Accordingly, the fixtures selected are suitable for their intended use. The Applicant’s landscape architect (Michael D’Angelo Landscape Architecture LLC) will be available at the hearing to answer any questions that the ZBA has about the Landscaping Plan including, among other things, the light fixtures.

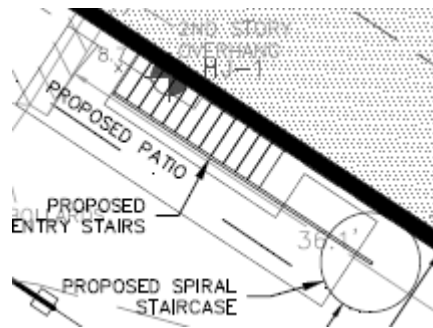
Regarding the CAM Act, see CAM review from Michelle Perillie, AICP, dated June 8, 2020, which concludes that the Westport Zoning Board of Appeals may find that this project is consistent with policies identified in the CAM ACT.

12. The patio (made of 3 foot x 3 foot “steppingstones”) in the rear setbacks should be removed or this setback request should be added to this application.

Applicant’s Response:

The “proposed patio” of steppingstones in the current Application has been removed in the updated Landscaping Plan dated June 22, 2020.

As an aside, the Approved Variance Plans included an area on the rear of the property designated “proposed patio” that extended into the rear setback. The proposed patio and its relationship to the rear setback appears to have been overlooked by everyone previously. Inserted herein is an excerpt from Approved Variance plan (Site Development Plan Revised 3/23/2018):



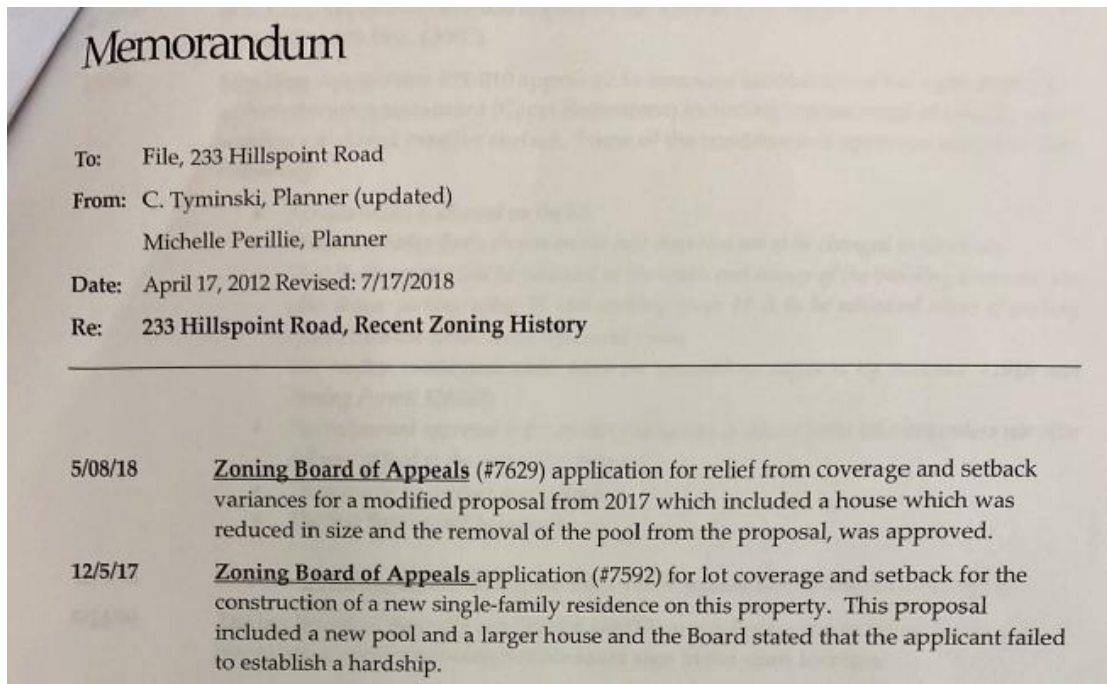
13. The current building design, constructed on piers, with a solid chimney where an open porch was approved and an elevator shaft that has been pulled to the street side facade of the structure, contradicts the ZBA guidance prior to the 2017 denial and may be out of scale and out of character with the neighborhood.

Applicant’s Response:

Both the Approved Variance Application and the Zoning Permit Plans (as well as the current proposed plan) resulted in a reduction in the size of the building of about 25% as compared to the 2017 denied variance application. Both the Approved Variance Application and the Zoning Permit Plans (as well as the current proposed plan) moved the house away from the side setback and

removed the proposed inground swimming pool. These were the concerns expressed by the ZBA in the 2017 denial.

Notably, in a Memorandum revised July 17, 2018, Town Staff (C. Tyminski, Planner) emphasized only the reduction in size of the structure and the removal of the pool as significant to the ZBA in granting the approval in ZBA#7629:



The same language appears in the revision to the Zoning History dated April 20, 2020. The videos from the prior hearings are incorporated by reference:

Zoning Board of Appeals Hearing December 5, 2017:

<http://ec4.cc/vg2dc2cb>

Zoning Board of Appeals Hearing May 8, 2018:

<http://ec4.cc/eh283462>

14. The increased impervious surfaces that are a result of the new addition of large steppingstones throughout the property greatly increases the total impervious surfaces on this small lot and may not be consistent with the CAM Act.

Applicant's Response:

See Applicant's Response to #11 and #12.

15. The applicant should provide at least a ten-foot-wide planting buffer that incorporates a staggered or double row of native, salt tolerant shrubs along the seaside portion of the planting.

Applicant's Response:

The Applicant has modified the proposed Landscaping Plan (revision June 22, 2020) to include the requested plantings. The current proposed Landscaping Plan, and the prior version of the Landscaping Plan, both included a ten-foot-wide planting buffer.

16. If approved, the applicant should file a non-conversion agreement on the Land Records that is consistent with an approved plan.

Applicant's Response:

The Applicant will record a non-conversion agreement on the Westport Land Records that is consistent with the approved plan.

VI. DETAILED EVALUATION OF PLANS

A. Flood Zone Summary (For further information see Appendix A):

Assessment.

While an applicant can choose to build to the VE Zone and Coastal AE Standards on any site if he or she so chooses, building to these standards is not a *requirement* for any new structure that is constructed at 233 Hillspoint Road. The decision to build to VE standards, which disallows fill, solid stone foundation walls, and other materials, is not an explanation for the applicant not building to the plan that the ZBA approved (#7629). Although the applicant said they designed to the “Coastal A” standards, they have proposed fencing and bollard lights in the VE zone.

Applicant’s Response:

See Applicant’s Responses to “Issues” #7-11. The Applicant further states that no “bollard” lights are proposed.

B. Setbacks. The applicant has requested a rear yard (waterside) setback variance of 12.6 feet where 20 feet is required. This rear yard setback will now be measured to the linear staircase, as the spiral staircase from the previous approval, which was 12.4 feet from the setback, was removed. The architectural Plan shows the front corner of the partially constructed building in the setback.

Assessment.

1. The applicant needs to explain this discrepancy between the two development plans, the one prepared by the architect showing the constructed building closer than 20 feet to the front yard setback.

Applicant’s Response:

The previously submitted architectural drawings show the front corner of the garage over the front yard setback, which is a drafting error. The location of the building is correct, but the drawing of the front yard setback is incorrect. This has been corrected in the revised architectural drawings dated June 25, 2020. The as-built survey correctly shows the placement of the building as to the front yard setback.

2. Furthermore, the “steppingstones” are in such a configuration to the rear (waterside) of the property as to constitute an approximate 9’ x 8’ patio that is within the setbacks.

Applicant’s Response:

The patio of steppingstones in the current Application has been removed in the updated Landscaping Plan dated June 22, 2020. See also Applicant’s Response to Issue #12.

C. Coverage. The applicant states that the coverage from this proposal from the approved plan has decreased as a result of a drafting and mathematical error. Even though there have been major changes in the architectural plans, it appears that the footprint of the structure, without the stairways, is similar. It is not clear if the applicant included the chimney and extended glass area in the building and total coverage. The applicant has added in their new proposal steppingstones all along the rear of the property that are 3' x 3' in size. Across the front are rough edge steppingstones that are shown that are approximately 5' x 3' in size. While pathways do not contribute to zoning coverage, the addition of these stones have increased the impervious surfaces on site from 2,819 SF to 3,345 SF.

Assessment.

1. The applicant needs to confirm that the chimney and the enclosed glass area has been included in Total and Building Coverage.

Applicant's Response:

The Applicant confirms that the chimney and the enclosed glass area is included in the total coverage and building coverage.

2. Furthermore, the applicant needs to justify the increase of impervious area on site, although it does not contribute to Zoning Coverage it does impact the impervious surfaces of a sensitive site in the Flood Hazard Zone.

Applicant's Response:

See Applicants Response to VI(C)(1) and Issue #12 above.

3. The Board should consider whether this amount of increased impervious surface (53%) on this site from the previous application, is consistent with the CAM Act.

Applicant's Response:

See Applicants Response to # VI(C)(2) and see CAM review from Michelle Perillie, AICP, dated June 8, 2020, which concludes that the Westport Zoning Board of Appeals may find that this project is consistent with policies identified in the CAM ACT.

D. Platform. The applicant has proposed removing the landing and door to a side entry that has been constructed in the rear yard setback without the benefit of any approvals. A raised mechanical platform is now proposed out of the rear yard setback. This platform is 8 feet from the side yard lot line, where 7.5 feet is required, complying with the setback. This platform does not contribute to Building or Total Coverage and must be elevated one (1) foot above the Base Flood Elevation (BFE).

Assessment.

The applicant has not indicated what the elevation of the mechanical platform is. While not in the setbacks, this raised platform with mechanical units on top is very close to the neighbor's dwelling to the east (Liebman). The applicant has proposed 8' high *Juniperus* along this property line and fence, however, the platform with the mechanicals on top will likely be higher than this. The applicant may explore other options or locations that do not impact a neighbor.

Applicant's Response:

The Site Development Plan and the Architectural Drawings show the platform at the same level as the floor, which is 17 feet. The *Juniperus* sit at about 8.1 feet to 8.9 feet (the grade increases as the property approaches the water) and are 8 feet tall (i.e., the top height of the *Juniperus* is 16.1 and 16.9 feet) and will grow taller over time.

E. Average Grade. The Average Existing Grade for the current proposal is 8.7 feet with an Average Proposed Grade of 8.7 feet. It should be noted that the Average Proposed Grade was 9.1 feet in the previously approved variance application.

Assessment.

The applicant states that they are retaining the existing grade and not bringing in any fill. The approved ZBA plan had curved retaining walls, stone foundation and fill between the front of the house and the road. The current design, essentially built on piers, has a greater volume and the Board may find that this structure is out of scale with the neighborhood, much as they stated about the architecture in the denied ZBA (#7592) application in 2017.

Applicant's Response:

The Zoning Permit plans, and the current Application do not have greater volume than the Approved Variance Plan. The volume of the house is the same. The differences are that: 1) house is presently built on piers versus a solid foundation, which makes the project visually "lighter" because there is now an open area; and 2) the previously proposed retaining walls and fill have been removed, as they are no longer possible because the house is built on piers.

F. Height. To calculate the height of a dwelling, the Average Existing grade or Average Finished grade (whatever is lower) must be subtracted from the Base Flood Elevation to obtain the additional height that is allowed in the Flood Hazard Zone beyond the 26 feet allowed in the Res B Zone. The equation is: (flood zone elevation) – (average existing grade) + 26 = height allowed. Therefore, the applicant is allowed $13 - 8.7 = 4.3 + 26 = 30.3$ feet on this property. The applicant states that the proposed dwelling is 30.125 feet where it was 30.135 feet in the previously approved ZBA application.

Assessment.

The plans submitted show that the height of this structure has been reduced from the previously approved plans. The applicant may not have accounted for the height of the mechanical on the roof top. Moreover, the applicant has not accounted for the elevator shaft that is on top of the building (see below). Is the rest

of plan that has been submitted consistent with the partially constructed dwelling? There needs to be a confirmation of the height of the partially constructed building.

Applicant's Response:

The height of the partially constructed building is confirmed on the Site Statistics Table of the Applicant's as-built survey dated 1/30/2020. There will be a generator located on the roof, and the top of the generator will not extend above the midline of the roof.

The plans submitted indicated what is intended to be built in the current application, not what is currently constructed at the site. The current construction at the site is reflected in the Applicant's as-built survey dated 1/30/2020. Please see the narrative summary that the Applicant submitted in connection with its application. In particular, the Applicant has changed the configuration of the rear stair in the current application to make its location consistent with the Approved Variance and the Zoning Permit.

The Applicant has submitted a modification to the existing variance approval. The existing variance approval already includes approval for the cupola, which includes the elevator shaft. No height variance is required.

G. Height Exemption. The applicant's new variance application attempts to exclude the height of the elevator shaft using the following definition of Building Height (§5-2):

"The provisions with respect to height shall apply to roof-top mechanical equipment but shall not apply to the following:

- 1. Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that:*
 - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and*
 - The structure shall fit within a 10' x 10' square; and*
 - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located."*

On 7/18/19, the Commission made an interpretation of their regulations in a work session and directed staff that:

"1. A cupola is an incidental architectural feature designed to provide ventilation and light to a structure.

2. For a cupola to be exempt from §5-2, Building Height, it shall not contain a stair tower or elevator shaft as "Human Habitation" is not permitted.

3. For a cupola to be exempt from §5-2, Building Height, it shall not serve as access to a roof as it is not intended for "Human habitation."

4. *For a cupola to be exempt from §5-2, Building Height, it shall not contain Floor Area.*
5. *Stair Towers and Elevator Shafts are allowed and shall adhere to Building Height Requirements (and are therefore NOT exempt from Building Height requirements)."*

Assessment.

This elevator shaft as depicted in the new application very clearly does not meet the Commission's 2/7/2019 [sic] interpretation of a cupola. As this is a new application, this elevator shaft must conform to the allowed height or the applicant must request a height variance. No attic floor area data has been provided to confirm number of stories.

Applicant's Response:

The Applicant's current Application is a modification of the Approved Variance. The ZBA previously applied this regulation to the Property and approved the existence of the elevator shaft in the cupola.

In addition to the fact that the ZBA previously applied this regulation to the Applicant and gave the Applicant an approval for this cupola, the Applicant further notes that there has never been an amendment to the Section 5-2 of the Regulations. The Applicant further notes that the minutes of the July 18, 2019 meeting of the Planning and Zoning Commission do not reflect any discussion or any "sense of the meeting" vote on the issue. Any vote that would have occurred presumably would have been recorded in the minutes of the meeting in compliance with Conn. Gen. Stat. § 1-225(a). A copy of the minutes from the July 18, 2019 meeting are attached.

H. Landscape. The applicant has provided a landscape plan with their new variance application.

Assessment.

Staff makes the following observations of the landscape plan:

1. A stone wall has been installed, without any approvals, along the front of the property.

Applicant's Response:

The Applicant previously did not have an engineered Landscaping Plan. The Applicant has submitted the proposed Landscaping Plan, which includes the stone wall, for approval with the current Application.

2. The steppingstones going along the eastern property line conflict with the proposed mechanical platform which is not shown.

Applicant's Response:

It is incorrect that these features conflict because the features exist at different heights. The mechanical platform is shown on the architectural drawings. The mechanical platform is not shown on the Landscaping Plan because it is not at grade, but rather, is at elevation 17.

In any event, the Applicant has removed most steppingstones from the project (and has removed the steppingstone patio), as set forth in the revised Landscaping Plan (revision June 22, 2020).

3. There are 7 *Amelanchier* (tree form) that are illuminated or up-lit with double-headed light fixtures (LT-1 on plan). The two up lights that are closest to the driveway and Hillspoint Road as they may end up deflected towards the road and cause a driving hazard.

Applicant's Response:

The "up lights" will not be positioned towards the road, so they will not cause a driving hazard.

4. There are 15 bollard lights of unknown height that will be installed throughout the property (LT-2 on plan). The applicant should provide documentation that bollard lights are allowed in the VE14 Zone.

Applicant's Response:

There is no FEMA standard applicable to outdoor lights. The fixtures that are shown in the Applicant's plans are UL1598 rated, which is defined as suitable for "a location in which water or other liquidate can drip, splash, or flow on or against electrical equipment. A wet location luminaire shall be constructed to prevent the accumulation of water on live parts, electrical components, or conductors not identified for use in contact with water." Accordingly, the fixtures selected are suitable for their intended use. The Applicant's landscape architect (Michael D'Angelo Landscape Architecture LLC) will be available at the hearing to answer any questions that the ZBA has about the landscaping plan including, among other things, the light fixtures.

The Applicant also states that no "bollard" lights are proposed.

5. The plant list should be corrected to show the common name of *Juniperus virginiana* 'Brodie' as Brodie Eastern Red Cedar, which have been specified as a minimum of 8 feet in height.

Applicant's Response:

The Applicant has changed the name of the trees in the update to the proposed Landscaping Plan (revision dated June 22, 2020).

6. The conifers that are proposed to screen the eastern property line are specified at 8' feet. The Board may consider requesting taller plants to adequately screen the neighbor to the east.

Applicant's Response:

The Applicant is open to installing taller plants if that is the desire of the ZBA.

7. The applicant has proposed a 42" Corten Bar fence, which is a rusty contemporary styled fence. It appears it is proposed a second 8'0-foot-high White Cedar or IPE fence. The applicant should explain why they need two fences back to back of each other.

Applicant's Response:

The fences are not proposed "back to back of each other." The proposed fences would exist at different locations on the property and do not overlap or exist "back to back."

8. Structures such as fences in the V zone; the applicant needs to meet the requirements that they meet the free of obstruction requirements per FEMA bulletin #1 and/or bulletin #5.

Applicant's Response:

The fences will be FEMA complaint because they will have openings to allow water to pass through.

9. The patio area or aggregate of "steppingstones" proposed in the rear setback should be removed.

Applicant's Response:

As per early responses herein, the Applicant has removed the steppingstone patio.

10. The planting palate has included salt tolerant species and the beach grass and goldenrod mix proposed along the rear of the property.

Applicant's Response:

This is correct.

11. Michelle Perillie, in her CAM staff report for this proposal dated 5/27/2020 has recommended that the southern (seaside) planting buffer be increased to at least 8 -10 feet in width. In addition, she recommends that a double or a staggered hedgerow of shrubs be installed seaside as they will protect this area the most.

Applicant's Response:

The Applicant has made this change in its revised Landscaping Plan (revision June 22, 2020).

I. Changes to Approved Materials. The applicant has drastically altered all the materials on the dwelling from that of the ZBA approval #7629. The following are some of the changes that staff has noted:

Assessment.

1. The siding that the applicant is proposing in this new application is clapboard all the way down from the façade to the ground. The previously approved ZBA architectural plan had cedar shingles on the face with a stone-veneer foundation.

Applicant's Response:

The proposed siding is shiplap of two different widths, not clapboard. The Applicant previously identified this change in its letter dated May 18, 2020.

2. The current proposal is for a dwelling that has large casement style windows unlike the approved plan with divided-light windows and shutters.

Applicant's Response:

The Applicant previously identified changes to the windows in its letter dated May 18, 2020.

3. The roof material proposed is aluminum and the approved plan had cedar shakes on the roof.

Applicant's Response:

The Applicant previously identified this change in its letter dated May 18, 2020. Per that letter, the material is specified in architectural plans as "metal" and the Applicant intends to use zinc, not aluminum.

4. The applicant had proposed an open porch area on the western portion of the property. This has been replaced in this proposal with a large, stucco fireplace.

Applicant's Response:

The Applicant previously identified this change in its letter dated May 18, 2020. This change resulted in less lot coverage because the chimney has a slightly narrower dimension that the previously proposed living space.

5. The elevator shaft or former cupola as described by the applicant, now has slanted walls. This shaft was previously closer to the water and had a little roof with brackets and series of window. This is clearly now not providing ventilation nor light and does not meet the height exemption definition.

Applicant's Response:

The current application still includes a cupola. The Applicant previously identified the change to the angle of the walls of the cupola in its letter dated May 18, 2020.

It is incorrect that the "shaft was previously closer to the water." It is also incorrect that the cupola "had a little roof with brackets and a series of window [sic]." There were never any windows. Previously, the cupola had decorative "vents." If the ZBA desires, the Applicant is happy to add decorative vents to the cupola.

Because this is a modification of a prior approval, a height variance is not required.

6. The applicant has proposed a wall across the front of the property. In the approved plan there was a series of walls near the house that included fill, which served to reduce the scale of this elevated structure.

Applicant's Response:

The Applicant previously did not have an engineered Landscaping Plan when it came before the ZBA. The Applicant has submitted a proposed Landscaping Plan, which includes the stone wall, for approval with the current Application.

7. The windows are a different style and in different locations.

Applicant's Response:

The Applicant previously identified the change to the angle of the walls of the cupola in its letter dated May 18, 2020.

J. Inconsistencies. There are inconsistencies on site with the plans and previous approvals and what is constructed on site.

Assessment.

1. Some of the areas that have been constructed on the partially constructed dwelling are not consistent with the architectural plans that have been submitted with this application.

Applicant's Response:

The Applicant will build the project to the proposed plans submitted with this Application, if approved, and modify site conditions to be consistent with the plans.

2. For instance, the elevator shaft on site has been located flush to the front corner of the building (the inside of the angle of the “L”). This elevator shaft is not shown in this location on the newly submitted architectural plans. In fact, this elevator shaft in this location has not been shown anywhere but on the plan denied by the ZBA.

Applicant’s Response:

This is not correct. The elevator shaft is in the same location as the Approved Variance Application and the Zoning Permit Plans. The elevator shaft is not located “flush” to the front corner of the building.

Inserted herein is an aerial photograph of the property during construction obtained from Google. As the picture clearly shows, the elevator shaft (denoted with an arrow) is not “located flush to the front corner of the building.” It is in the same position as previously indicated.



3. The applicant has clearly still not provided the ZBA with architectural plans of what they intend to build on site, as the above, which is a significant architectural deviation is easily detectable by a non-architect.

Applicant’s Response:

This is not correct. The Applicant submitted the proposed architectural plans with this Application. The Applicant will build the project to the proposed plans submitted with this Application, if approved.

4. The Board may consider requesting a height confirmation from the applicant or an architectural as built.

Applicant's Response:

The Site Statistics Table of the Applicant's as-built survey dated 1/30/2020 confirms the height of the partially constructed dwelling.

ATTACHMENTS TO APPLICANT'S RESPONSE

R317.4.2 Installation. Wood/plastic composites shall be installed in accordance with the manufacturer's instructions.

SECTION R318 PROTECTION AGAINST SUBTERRANEAN TERMITES

R318.1 Subterranean termite control methods. In areas subject to damage from termites as indicated by Table R301.2(1), methods of protection shall be one of the following methods or a combination of these methods:

1. Chemical termiticide treatment, as provided in Section R318.2.
2. Termite baiting system installed and maintained according to the *label*.
3. Pressure-preservative-treated wood in accordance with the provisions of Section R317.1.
4. Naturally durable termite-resistant wood.
5. Physical barriers as provided in Section R318.3 and used in locations as specified in Section R317.1.
6. Cold-formed steel framing in accordance with Sections R505.2.1 and R603.2.1.

R318.1.1 Quality mark. Lumber and plywood required to be pressure-preservative-treated in accordance with Section R318.1 shall bear the quality *mark* of an *approved* inspection agency which maintains continuing supervision, testing and inspection over the quality of the product and which has been *approved* by an accreditation body which complies with the requirements of the American Lumber Standard Committee treated wood program.

R318.1.2 Field treatment. Field-cut ends, notches, and drilled holes of pressure-preservative-treated wood shall be retreated in the field in accordance with AWPA M4.

R318.2 Chemical termiticide treatment. Chemical termiticide treatment shall include soil treatment and/or field applied wood treatment. The concentration, rate of application and method of treatment of the chemical termiticide shall be in strict accordance with the termiticide *label*.

R318.3 Barriers. *Approved* physical barriers, such as metal or plastic sheeting or collars specifically designed for termite prevention, shall be installed in a manner to prevent termites from entering the structure. Shields placed on top of an exterior foundation wall are permitted to be used only if in combination with another method of protection.

R318.4 Foam plastic protection. In areas where the probability of termite infestation is "very heavy" as indicated in Figure R301.2(6), extruded and expanded polystyrene, polyisocyanurate and other foam plastics shall not be installed on the exterior face or under interior or exterior foundation walls or slab foundations located below *grade*. The clearance between foam plastics installed above *grade* and exposed earth shall be at least 6 inches (152 mm).

Exceptions:

1. Buildings where the structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure-preservative-treated wood.
2. When in *addition* to the requirements of Section R318.1, an *approved* method of protecting the foam plastic and structure from subterranean termite damage is used.
3. On the interior side of *basement walls*.

SECTION R319 SITE ADDRESS

R319.1 Address numbers. Buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of $\frac{1}{2}$ inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

SECTION R320 ACCESSIBILITY

R320.1 Scope. Detached one- and two-family dwellings shall be exempt from accessibility requirements. Attached multiple single-family dwellings (townhouses) shall comply with Section R320.2 for single-story townhouses and with Section R320.3 for multi-story townhouses. For the purposes of this section, a one-story above-grade townhouse with a finished basement shall be considered a multi-story townhouse. Required Type B units shall comply with ICC/ANSI A117.1, as amended.

R320.2 Single-story townhouses. Where there are four or more townhouses in a single structure, each single-story townhouse shall be a Type B unit.

Exception: The number of Type B units shall be permitted to be reduced in accordance with Section R320.4.

R320.3 Multi-story townhouses. Buildings or complexes that contain 10 or more multi-story townhouses shall have at least 10 percent Type B units. This requirement shall be met by providing a sufficient number of single-story Type B units or by providing a sufficient number of multi-story townhouses that incorporate a Type B unit on the street floor or by a combination of the two. Multi-story townhouses that incorporate a Type B unit on the street floor shall not be required to provide accessibility to floors above or below the street floor. The Type B unit on the street floor shall include provisions for living, sleeping, eating, cooking and a complete toilet and bathing facility on that floor.

Exceptions:

1. Structures with fewer than four dwelling units.

2. The number of Type B units shall be permitted to be reduced in accordance with Section R320.4.

R320.4 General exceptions. Where permitted by Sections R320.2 and R320.3, the required number of Type B units shall be permitted to be reduced in accordance with Sections R320.4.1 and R320.4.2.

R320.4.1 Site impracticality. On a site with multiple buildings, the number of units required by Sections R320.2 and R320.3 to be Type B units may be reduced to a percentage which is equal to the percentage of the entire site having grades, prior to development, which are less than 10 percent, provided not less than 20 percent of the Type B units required by Sections R320.2 and R320.3 on the site are provided.

R320.4.2 Design flood elevation. The required number of Type B units shall not apply to a site where the lowest floor is required to be at or above the design flood elevation resulting in:

1. A difference in elevation between the minimum required floor elevation at the primary entrance and the closest vehicular and pedestrian arrival points, and;
2. A slope exceeding 10 percent between the minimum required floor elevation at the primary entrance and the closest vehicular and pedestrian arrival points.

R320.5 Accessible route. At least one accessible route shall connect accessible building or facility entrances with the primary entrance of each Type B unit within the building or complex and with those exterior and interior facilities that serve the units.

Exception: If the slope of the finished ground level between accessible facilities and buildings exceeds one unit vertical in 12 units horizontal (1:12), or where physical barriers prevent the installation of an accessible route, a vehicular route with parking that complies with Section 1106 of the 2012 *International Building Code* portion of the State Building Code at each public or common use facility or building is permitted in place of the accessible route.

R320.6 Parking. Two percent, but not less than one, of each type of parking space provided in occupancies which are required to have Type B dwelling units shall be accessible. For each six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space.

R320.6.1 Parking within or beneath a building. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

Exception: Private parking garages within or beneath the building that contain no more than two parking spaces, that are reserved for the exclusive use of a specific dwelling unit and are directly accessed from that dwelling unit are not required to be accessible.

R320.6.2 Automobile-accessible parking spaces. Pursuant to subsection (h) of section 14-253a of the Connecticut General Statutes, parking spaces for passenger motor vehicles designated for persons who are blind and persons with disabilities shall be as near as possible to a building entrance or walkway and shall be 15 feet (4572 mm) wide, including 5 feet (1524 mm) of cross hatch.

R320.6.3 Van-accessible parking spaces. Pursuant to subsection (h) of section 14-253a of the Connecticut General Statutes, parking spaces for passenger vans designated for persons who are blind and persons with disabilities shall be as near as possible to a building entrance or walkway and shall be 16 feet (4877 mm) wide, including 8 feet (2438 mm) of cross hatch.

R320.6.3.1 Van access clearance. Pursuant to subsection (i) of section 14-253a of the Connecticut General Statutes, each public parking garage or terminal shall have 8 feet 2 inches (2489 mm) vertical clearance at a primary entrance and along the route to at least two parking spaces for passenger vans that conform to Section R320.6.3 and that have 8 feet 2 inches (2489 mm) of vertical clearance.

SECTION R321 ELEVATORS AND PLATFORM LIFTS

R321.1 Elevators. Where provided, passenger elevators, limited use/limited application elevators or elevators installed in private residences shall comply with ASME A17.1 and shall be installed in accordance with regulations adopted under the authority of section 29-192 of the Connecticut General Statutes. Where the provisions of this section conflict with other statutory or regulatory provisions, those requirements shall prevail.

R321.2 Platform lifts. Where provided, platform lifts shall comply with ASME A18.1.

R321.3 Accessibility. Elevators or platform lifts that are part of an accessible route required by Chapter 11 of the *International Building Code*, shall comply with ICC A117.1.

SECTION R322 FLOOD-RESISTANT CONSTRUCTION

R322.1 General. Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1) shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

R322.1.1 Alternative provisions. As an alternative to the requirements in Section R322.3 for buildings and structures located in whole or in part in coastal high-hazard areas (V Zones) and Coastal A Zones, if delineated, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

R322.1.2 Structural systems. All structural systems of all buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.

R322.1.3 Flood-resistant construction. All buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

R322.1.4 Establishing the design flood elevation. The design flood elevation shall be used to define flood hazard areas. At a minimum, the design flood elevation is the higher of:

1. The base flood elevation at the depth of peak elevation of flooding (including wave height) which has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year; or
2. The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.

R322.1.4.1 Determination of design flood elevations. If design flood elevations are not specified, the *building official* is authorized to require the applicant to:

1. Obtain and reasonably use data available from a federal, state or other source; or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered *design professional* who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.

R322.1.4.2 Determination of impacts. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall demonstrate that the effect of the proposed buildings and structures on design flood elevations, including fill, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

R322.1.5 Lowest floor. The lowest floor shall be the floor of the lowest enclosed area, including *basement*, but excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section.

R322.1.6 Protection of mechanical and electrical systems. Electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service

equipment shall be located at or above the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones). If replaced as part of a substantial improvement, electrical systems, *equipment* and components; heating, ventilating, air conditioning and plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall meet the requirements of this section. Systems, fixtures, and *equipment* and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* is permitted below the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones) provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided they conform to the provisions of the electrical part of this code for wet locations.

R322.1.7 Protection of water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the *International Private Sewage Disposal Code*.

R322.1.8 Flood-resistant materials. Building materials used below the elevation required in Section R322.2 (flood hazard areas including A Zones) or R322.3 (coastal high-hazard areas including V Zones) shall comply with the following:

1. All wood, including floor sheathing, shall be pressure-preservative-treated in accordance with AWP A U1 for the species, product, preservative and end use or be the decay-resistant heartwood of redwood, black locust or cedars. Preservatives shall be listed in Section 4 of AWP A U1.
2. Materials and installation methods used for flooring and interior and *exterior walls* and wall coverings shall conform to the provisions of FEMA/FIA-TB-2.

R322.1.9 Manufactured homes. New or replacement *manufactured homes* shall be elevated in accordance with Section R322.2 (flood hazard areas including A Zones) or Section R322.3 in coastal high-hazard areas (V Zones). The anchor and tie-down requirements of Sections AE604 and AE605 of Appendix E shall apply. The foundation and

anchorage of *manufactured homes* to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

R322.1.10 As-built elevation documentation. A registered *design professional* shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.

R322.2 Flood hazard areas (including A Zones). All areas that have been determined to be prone to flooding but not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1½ feet (457 mm) and 3 feet (914 mm) shall be designated as Coastal A Zones. All building and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the design flood elevation.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including *basement*) elevated at least as high above the highest adjacent *grade* as the depth number specified in feet on the FIRM, or at least 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below *grade* on all sides shall be elevated to or above the design flood elevation.

Exception: Enclosed areas below the design flood elevation, including *basements* whose floors are not below *grade* on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage.
2. Be provided with flood openings that meet the following criteria:
 - 2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.
 - 2.2. The total net area of all openings shall be at least 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or

the openings shall be designed and the *construction documents* shall include a statement by a registered *design professional* that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.6.2.2 of ASCE 24.

- 2.3. The bottom of each opening shall be 1 foot (305 mm) or less above the adjacent ground level.
- 2.4. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
- 2.5. Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.
- 2.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

R322.2.3 Foundation design and construction. Foundation walls for all buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4.

Exception: Unless designed in accordance with Section R404:

1. The unsupported height of 6-inch (152 mm) plain masonry walls shall be no more than 3 feet (914 mm).
2. The unsupported height of 8-inch (203 mm) plain masonry walls shall be no more than 4 feet (1219 mm).
3. The unsupported height of 8-inch (203 mm) reinforced masonry walls shall be no more than 8 feet (2438 mm).

For the purpose of this exception, unsupported height is the distance from the finished *grade* of the under-floor space to the top of the wall.

R322.3 Coastal high-hazard areas (including V Zones). Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Buildings and structures constructed in whole or in part in coastal high-hazard areas shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.6.

R322.3.1 Location and site preparation.

1. New buildings and buildings that are determined to be substantially improved pursuant to Section R105.3.1.1, shall be located landward of the reach of mean high tide.
2. For any alteration of sand dunes and mangrove stands the *building official* shall require submission

of an engineering analysis which demonstrates that the proposed *alteration* will not increase the potential for flood damage.

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is:
 - 1.1. Located at or above the design flood elevation, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or
 - 1.2. Located at the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.
2. Basement floors that are below *grade* on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If

permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundation are designed to resist the additional flood load.

R322.3.4 Walls below design flood elevation. Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (479 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the *construction documents* shall include documentation prepared and sealed by a registered *design professional* that:
 - 4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and non-structural). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.

R322.3.5 Enclosed areas below design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage.

R322.3.6 Construction documents. The *construction documents* shall include documentation that is prepared and sealed by a registered *design professional* that the design and methods of construction to be used meet the applicable criteria of this section.

SECTION R323 STORM SHELTERS

R323.1 General. This section applies to the construction of storm shelters when constructed as separate detached buildings or when constructed as safe rooms within buildings for the purpose of providing safe refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC/NSSA-500.

that has been *approved* by an accreditation body that complies with the requirements of the American Lumber Standard Committee treated wood program.

R318.1.2 Field treatment. Field-cut ends, notches and drilled holes of pressure-preservative-treated wood shall be retreated in the field in accordance with AWP A M4.

R318.2 Chemical termiticide treatment. Chemical termiticide treatment shall include soil treatment or field-applied wood treatment. The concentration, rate of application and method of treatment of the chemical termiticide shall be in strict accordance with the termiticide *label*.

R318.3 Barriers. *Approved* physical barriers, such as metal or plastic sheeting or collars specifically designed for termite prevention, shall be installed in a manner to prevent termites from entering the structure. Shields placed on top of an exterior foundation wall are permitted to be used only if in combination with another method of protection.

R318.4 Foam plastic protection. In areas where the probability of termite infestation is “very heavy” as indicated in Figure R301.2(6), extruded and expanded polystyrene, polyisocyanurate and other foam plastics shall not be installed on the exterior face or under interior or exterior foundation walls or slab foundations located below *grade*. The clearance between foam plastics installed above *grade* and exposed earth shall be not less than 6 inches (152 mm).

Exceptions:

1. Buildings where the structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure-preservative-treated wood.
2. Where in *addition* to the requirements of Section R318.1, an *approved* method of protecting the foam plastic and structure from subterranean termite damage is used.
3. On the interior side of *basement walls*.

SECTION R319
SITE ADDRESS

R319.1 Address identification. Buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

SECTION R320
ACCESSIBILITY

R320.1 Scope. Detached *one- and two-family dwellings* shall be exempt from accessibility requirements. Attached multiple single-family *dwellings (townhouses)* shall comply with Section R320.2 for single-story *townhouses* and with Section R320.3 for multistory *townhouses*. For the purposes of this section, a one-story above-grade *townhouse* with a finished *basement* shall be considered a multistory *townhouse*. Required Type B units shall comply with ICC/ANSI A117.1, as amended.

R320.2 Single-story townhouses. Where there are four or more *townhouses* in a single structure, each single-story *townhouse* shall be a Type B unit.

Exception: The number of Type B units shall be permitted to be reduced in accordance with Section R320.4.

R320.3 Multistory townhouses. *Buildings or complexes* that contain 10 or more multistory *townhouses* shall have at least 10 percent Type B units. This requirement shall be met by providing a sufficient number of single-story Type B units or by providing a sufficient number of multistory *townhouses* that incorporate a Type B unit on the street floor or by a combination of the two. Multistory *townhouses* that incorporate a Type B unit on the street floor shall not be required to provide accessibility to floors above or below the street floor. The Type B unit on the street floor shall include provisions for living, sleeping, eating, cooking and a complete toilet and bathing facility on that floor.

Exceptions:

1. Structures with fewer than four *dwelling units*.
2. The number of Type B units shall be permitted to be reduced in accordance with Section R320.4.

R320.4 General exceptions. Where permitted by Sections R320.2 and R320.3, the required number of Type B units shall be permitted to be reduced in accordance with Sections R320.4.1 and R320.4.2.

R320.4.1 Site impracticability. On a *site* with multiple *buildings*, the number of units required by Sections R320.2 and R320.3 to be Type B units may be reduced to a percentage which is equal to the percentage of the entire *site* having grades, prior to development, which are less than 10 percent, provided not less than 20 percent of the Type B units required by Sections R320.2 and R320.3 on the *site* are provided.

R320.4.2 Design flood elevation. The required number of Type B units shall not apply to a *site* where the *lowest floor* is required to be at or above the *design flood elevation* resulting in:

1. A difference in elevation between the minimum required floor elevation at the primary entrance and, the closest vehicular and pedestrian arrival points, and
2. A slope exceeding 10 percent between the minimum required floor elevation at the primary entrance and the closest vehicular and pedestrian arrival points.

R320.5 Accessible route. At least one *accessible route* shall connect accessible *building* or *facility* entrances with the primary entrance of each Type B unit within the *building* or *complex* and with those exterior and interior facilities that serve the units.

Exception: If the slope of the finished ground level between accessible facilities and *buildings* exceeds one unit vertical in 12 units horizontal (1:12), or where physical barriers prevent the installation of an *accessible route*, a vehicular route with parking that complies with Section 1106 of the 2015 International Building Code portion of the 2018 Connecticut State Building Code at each public or *common use facility* or *building* is permitted in place of the *accessible route*.

R320.6 Parking. Two percent, but not less than one, of each type of parking space provided in occupancies which are required to have Type B *dwelling units* shall be accessible. For each six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space.

R320.6.1 Parking within or beneath a building. Where parking is provided within or beneath a *building*, accessible parking spaces shall also be provided within or beneath the *building*.

Exception: Private parking garages within or beneath the *building* that contain no more than two parking spaces, that are reserved for the exclusive use of a specific *dwelling unit* and are directly accessed from that *dwelling unit* are not required to be accessible.

R320.6.2 Automobile accessible parking spaces. Pursuant to subsection (h) of section 14-253a of the Connecticut General Statutes, parking spaces for passenger motor vehicles designated for persons who are blind and persons with disabilities shall be as near as possible to a *building* entrance or walkway and shall be 15 feet (4572 mm) wide, including 5 feet (1524 mm) of cross hatch.

R320.6.3 Van accessible parking spaces. Pursuant to subsection (h) of section 14-253a of the Connecticut General Statutes, parking spaces for passenger vans designated for persons who are blind and persons with disabilities shall be as near as possible to a *building* entrance or walkway and shall be 16 feet (4877 mm) wide including 8 feet (2438 mm) of cross hatch.

R320.6.3.1 Van access clearance. Pursuant to subsection (i) of section 14-253a of the Connecticut General Statutes, each public parking garage or terminal shall have 8 feet 2 inches (2489 mm) vertical clearance at a primary entrance and along the route to at least two parking spaces for passenger vans that conform to Section R320.6.3 and that have 8 feet 2 inches (2489 mm) of vertical clearance.

SECTION R321
ELEVATORS AND PLATFORM LIFTS

R321.1 Elevators. Where provided, passenger elevators, limited use/limited application elevators or elevators installed in private residences shall comply with ASME A17.1 and shall be installed in accordance with regulations adopted under

authority of section 29-192 of the Connecticut General Statutes. Where the provisions of this section conflict with other statutory or regulatory provisions, those requirements shall prevail.

R321.2 Platform lifts. Where provided, platform lifts shall comply with ASME A18.1.

R321.3 Accessibility. Elevators or platform lifts that are part of an accessible route required by Chapter 11 of the *International Building Code*, shall comply with ICC A117.1.

SECTION R322
FLOOD-RESISTANT CONSTRUCTION

R322.1 General. Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and restoration of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

R322.1.1 Alternative provisions. As an alternative to the requirements in Section R322, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

R322.1.2 Structural systems. Structural systems of buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.

R322.1.3 Flood-resistant construction. Buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

R322.1.4 Establishing the design flood elevation. The design flood elevation shall be used to define flood hazard areas. At a minimum, the design flood elevation shall be the higher of the following:

1. The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year; or
2. The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.

R322.1.4.1 Determination of design flood elevations. If design flood elevations are not specified, the *building official* is authorized to require the applicant to comply with either of the following:

1. Obtain and reasonably use data available from a federal, state or other source; or

- Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered *design professional* who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.

R322.1.4.2 Determination of impacts. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall demonstrate that the effect of the proposed buildings and structures on design flood elevations, including fill, when combined with other existing and anticipated flood hazard area encroachments, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

R322.1.5 Lowest floor. The lowest floor shall be the lowest floor of the lowest enclosed area, including *basement*, and excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section.

R322.1.6 Protection of mechanical, plumbing and electrical systems. Electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall be located at or above the elevation required in Section R322.2 or R322.3. If replaced as part of a substantial improvement, electrical systems, *equipment* and components; heating, ventilating, air conditioning and plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall meet the requirements of this section. Systems, fixtures, and *equipment* and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* is permitted below the elevation required in Section R322.2 or R322.3 provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

R322.1.7 Protection of water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and dis-

charges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the *International Private Sewage Disposal Code*.

R322.1.8 Flood-resistant materials. Building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the elevation required in Section R322.2 or R322.3 shall be flood damage-resistant materials that conform to the provisions of FEMA TB-2.

R322.1.9 Manufactured homes. The bottom of the frame of new and replacement *manufactured homes* on foundations that conform to the requirements of Section R322.2 or R322.3, as applicable, shall be elevated to or above the elevations specified in Section R322.2 (flood hazard areas including A Zones) or R322.3 in coastal high-hazard areas (V Zones and Coastal A Zones). The anchor and tie-down requirements of the applicable state or federal requirements shall apply. The foundation and anchorage of *manufactured homes* to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

R322.1.10 As-built elevation documentation. A registered *design professional* shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.

R322.2 Flood hazard areas (including A Zones). Areas that have been determined to be prone to flooding and that are not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1½ feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones and are subject to the requirements of Section R322.3. Buildings and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

R322.2.1 Elevation requirements.

- Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
- In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including *basement*) elevated to a height above the highest adjacent *grade* of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
- Basement floors that are below *grade* on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including *basements* with floors that are not below *grade* on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

- Be used solely for parking of vehicles, building access or storage.
- Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:
 - The total net area of nonengineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the *construction documents* shall include a statement by a registered *design professional* that the design of the openings will provide for equalization of hydrostatic flood forces on *exterior walls* by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.
 - Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
 - The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

R322.2.2.1 Installation of openings. The walls of enclosed areas shall have openings installed such that:

- There shall be not less than two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings.
- The bottom of each opening shall be not more than 1 foot (305 mm) above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.
- Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirements of this section.

R322.2.3 Foundation design and construction. Foundation walls for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4.

Exception: Unless designed in accordance with Section R404:

- The unsupported height of 6-inch (152 mm) plain masonry walls shall be not more than 3 feet (914 mm).
- The unsupported height of 8-inch (203 mm) plain masonry walls shall be not more than 4 feet (1219 mm).

- The unsupported height of 8-inch (203 mm) reinforced masonry walls shall be not more than 8 feet (2438 mm).

For the purpose of this exception, unsupported height is the distance from the finished *grade* of the under-floor space to the top of the wall.

R322.2.4 Tanks. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground tanks shall be installed at or above the elevation required in Section R322.2.1 or shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

R322.3 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated). Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas that have been designated as subject to wave heights between 1½ feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones. Buildings and structures constructed in whole or in part in coastal high-hazard areas and coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.7.

R322.3.1 Location and site preparation.

- New buildings and buildings that are determined to be substantially improved pursuant to Section R105.3.1.1 shall be located landward of the reach of mean high tide.
- For any alteration of sand dunes and mangrove stands, the *building official* shall require submission of an engineering analysis that demonstrates that the proposed *alteration* will not increase the potential for flood damage.

R322.3.2 Elevation requirements.

- Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.
- Basement floors that are below *grade* on all sides are prohibited.
- The use of fill for structural support is prohibited.
- Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
- Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundations are designed to resist the additional flood load.

Exception: In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.

R322.3.4 Walls below design flood elevation. Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the *construction documents* shall include documentation prepared and sealed by a registered *design professional* that:

4.1. The walls and partitions below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.

- 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

R322.3.5 Enclosed areas below design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage.

R322.3.5.1 Protection of building envelope. An exterior door that meets the requirements of Section R609 shall be installed at the top of stairs that provide access to the building and that are enclosed with walls designed to break away in accordance with Section R322.3.4.

R322.3.6 Construction documents. The *construction documents* shall include documentation that is prepared and sealed by a registered *design professional* that the design and methods of construction to be used meet the applicable criteria of this section.

R322.3.7 Tanks. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground tanks shall be installed at or above the elevation required in Section R322.3.2. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of Section R322.3.

SECTION R323 STORM SHELTERS

R323.1 General. This section applies to storm shelters where constructed as separate detached buildings or where constructed as safe rooms within buildings for the purpose of providing refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC/NSSA-500.

SECTION 324 SOLAR ENERGY SYSTEMS

R324.1 General. Solar energy systems shall comply with the provisions of this section.

R324.2 Solar thermal systems. Solar thermal systems shall be designed and installed in accordance with Chapter 23.

R324.3 Photovoltaic systems. Photovoltaic systems shall be designed and installed in accordance with Sections R324.3.1 through R324.7.2.4 and NFPA 70. Inverters shall be listed and labeled in accordance with UL 1741. Systems connected to the utility grid shall use inverters listed for utility interaction.

R324.3.1 Equipment listings. Photovoltaic panels and modules shall be listed and labeled in accordance with UL 1703.

R324.4 Rooftop-mounted photovoltaic systems. Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be designed and installed in accordance with Section R909.

R324.4.1 Roof live load. Roof structures that provide support for photovoltaic panel systems shall be designed for applicable roof live load. The design of roof structures need not include roof live load in the areas covered by photovoltaic panel systems. Portions of roof structures not covered by photovoltaic panels shall be designed for roof live load. Roof structures that provide support for photovoltaic panel systems shall be designed for live load, L_R , for the load case where the photovoltaic panel system is not present.

R324.5 Building-integrated photovoltaic systems. Building-integrated photovoltaic systems that serve as roof coverings shall be designed and installed in accordance with Section R905.

R324.5.1 Photovoltaic shingles. Photovoltaic shingles shall comply with Section R905.16.

R324.6 Ground-mounted photovoltaic systems. Ground-mounted photovoltaic systems shall be designed and installed in accordance with Section R301.

R324.6.1 Fire separation distances. For the purposes of *fire separation distances*, ground-mounted photovoltaic systems shall be considered *accessory structures* and subject to the applicable fire separation requirements of this code.

R324.7 Access and pathways. Roof access, pathways and spacing requirements shall be provided in accordance with Sections R324.7.1 through R324.7.2.4.

Exception: Detached garages and *accessory structures* to one and two-family dwellings and townhouses, such as parking shade structures, carports, solar trellises and similar structures.

R324.7.1 Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

R324.7.2 Solar photovoltaic systems. Solar photovoltaic systems shall comply with Sections R324.7.2.1 through R324.7.2.4.

R324.7.2.1 Size of solar photovoltaic array. Each photovoltaic array shall be limited to 150 feet by 150 feet (45 720 by 45 720 mm). Multiple arrays shall be separated by a clear access pathway not less than 3 feet (914 mm) in width.

R324.7.2.2 Hip roof layouts. Panels and modules installed on dwellings with hip roof layouts shall be located in a manner that provides a clear access pathway not less than 3 feet (914 mm) in width from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

Exceptions:

1. This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (16.6 percent) and less.
2. Where panels are installed on only one roof slope and there is clear access on the opposing slope.

R324.7.2.3 Single ridge roofs. Panels and modules installed on dwellings with a single ridge shall be located in a manner that provides two, 3-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels or modules are located.

Exceptions:

1. This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (16.6 percent) and less.
2. Where panels are installed on only one roof slope and there is clear access on the opposing slope.

R324.7.2.4 Roofs with hips and valleys. Panels and modules installed on dwellings with roof hips or valleys shall not be located less than 18 inches (457 mm) from a hip or valley where panels or modules are to be placed on both sides of a hip or valley. Where panels are to be located on one side only of a hip or valley that is of equal length, the 18-inch (457 mm) clearance does not apply.

Exception: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (16.6 percent) and less.

SECTION R325 MEZZANINES

R325.1 General. Mezzanines shall comply with Section R325.

R325.2 Mezzanines. The clear height above and below mezzanine floor construction shall be not less than 7 feet (2134 mm).

R325.3 Area limitation. The aggregate area of a mezzanine or mezzanines shall be not greater than one-third of the floor area of the room or space in which they are located. The enclosed portion of a room shall not be included in a determi-

PLANNING AND ZONING COMMISSION MINUTES

July 18, 2019

Meeting Started: 7:04 P.M.

In attendance: Paul Lebowitz, Danielle Dobin, Chip Stephens, Alfred Gratrix Jr, Catherine Walsh, Gregory Rutstein, Neil Cohn.

P&Z Staff: Mary Young, AICP, P&Z Director.

I. WORK SESSION

7:00 PM

Room 201/201A

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

Approval of Minutes: 6/6/19, 6/13/19, and 6/20/19- All Minutes approved unanimously.

II. PUBLIC HEARING

- 1. 70 North Ave:** Appl. #19-034 submitted by Green Skies Renewable Energy LLC for a Special Permit and Site Plan application for property owned by the Town of Westport, to install Solar Power Generating Canopies in parking areas for property located in the Residential AAA zone, PID#F12077000.
Action: No testimony taken, hearing continued to 9/19/19.
- 2. Text Amendment #771:** Appl. #19-025 by Attorney William Fitzpatrick to modify §24A General Business District/Saugatuck of the Westport Zoning Regulations, to allow 3-stories up to 40' in Height, 20,000 SF of floor area per building, and permit 50% Joint Parking. A copy of the proposed Text Amendment is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office.
Adopted in Part/ Denied in Part, Vote: 7 -0-0, Effective Date 8/6/19, See attached resolution
- 3. 25 Prospect Rd:** Appl. #19-022 by Harry Rocheville of McChord Engineering Associates, Inc. for property owned by 25 Prospect Road LLC, for a Special Permit and Site Plan approval for excavating and fill relating to demolition of existing house and subsequent construction of new house, for property located in the Residential AA zone, PID#E07098000.
Approved, Vote: 7 -0-0, See attached resolution.
- 4. 17 Owenoke Park:** Appl #19-032, submitted by Peter Armstrong for a property owned by 1720 Owenoke LLC, for a Coastal Area Management (CAM) Site Plan application proposing to construct a new two-story FEMA compliant single-family residence with driveway, terraces, and pool in the AE13 Flood Zone, for property located in the Residential A zone, PID#D0317000.
Approved, Vote: 7 -0-0, See attached resolution.

5. **760 Post Road East:** Appl. #19-036, submitted by Mel Barr of Barr Associates for property owned by Torno Lumber Inc. for a Site Plan application proposing building renovations, storage rack replacements, parking reconfiguration, and landscape improvements for an existing lumberyard retail establishment located in the General Business District (GBD) zone, PID#E09039000.
Approved, Vote: 7 -0-0, See attached resolution.
6. **Text Amendment #770:** *(This application was continued from 7/11/19 when testimony was received)* Appl. #19-019 submitted by The Planning and Zoning Commission, to modify §54-7.1 of the Subdivision Regulations to remove ambiguity regarding the intent of language in the intersection standards to prohibit a future third street or right-of-way from being located where two streets already intersect. A copy of the proposed Text Amendment is on file in the Westport Town Clerk's Office and is on file in the Westport Planning and Zoning Office.
Adopted, Vote: 7 -0-0, Effective Date 8/6/19, See attached resolution

III. WORK SESSION

(The following items will be discussed and voted on as time permits. The public may observe the work session, but not participate.)

1. **139 Kings Highway North & 180 Wilton Rd:** Appl. #19-021 prepared by William Achilles, for property owned by Braidmax LLC, Roger J. Leifer, Trustee, for a Coastal Site Plan and Special Permit approval for excavation and fill for regrading between two properties to address a State Road storm drain pipe that resulted in erosion, for properties located in the Residential AA zone, PID#C11049000/C11048000.
Approved, Vote: 6 -0-0, See attached resolution.
2. **715 Post Road East:** Appl. #19-020 by Laurel Fedor for property owned by William W. Taylor for Site Plan and Special Permit applications for excavation and fill and to construct a two-story office building and raised parking with a curb cut on to Roseville Road, for property located in the Commercial GBD zone, PID#E09186000.
Action: No action taken.